

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER 638-B

Case No. 88-32C

(PUD & Map @ Gramercy)

June 8, 1992

By Zoning Commission Order Nos. 638 and 638-A dated February 12, 1992 and November 13, 1992, respectively, the Zoning Commission for the District of Columbia approved the application of the Rhode Island Associates Limited Partnership for consolidated review of a planned unit development (PUD) and a related change of zoning from SP-2 to C-4 for Lot 824 in Square 182 located at 1616 Rhode Island Avenue, N.W.

The PUD approval was for the construction of a ten-story mixed-use building containing office/retail and residential uses. The height of the building will not exceed 106 feet and the floor area ratio (FAR) will not exceed 6.86, of which 1.64 FAR will be devoted to residential use. The number of residential units will range from forty-eight (48) to fifty-two (52). The minimum number of on-site parking spaces will be 125 for the commercial uses, in addition to not less than one (1) parking space for each apartment unit; that is a total of 173 to 177 parking spaces on-site.

Zoning Commission Order Nos. 638 and 638-A approved the PUD project, subject to certain guidelines, conditions, and standards. One of the conditions of approval states that:

"The Planned Unit Development approved by the Zoning Commission shall be valid for a period of 2 years from the effective date of this order. Within that time, application must be filed for the building permit, as specified in 11 DCMR 2407. Construction shall start within 3 years of the effective date of this order.

Zoning Commission Order Nos. 638 and 638-A became final and effective on December 15, 1989 and March 9, 1990 respectively.

11 DCMR 2406.10 allows the Zoning Commission to extend the validity of a PUD "for good cause shown," upon the request of the applicant being made prior to the expiration of the PUD.

By letter dated March 6, 1992, counsel for the applicant requested a two-year extension of the validity of Z.C. Order Nos. 638 and 638-A, that is; until March 9, 1994. The applicant stated the following:

Z.C. ORDER NO. 638-B
CASE NO. 88-32C
PAGE NO. 2

"Despite the receipt of a building permit and construction financing, because of the adverse economic conditions, primarily the excessive supply of office space in the Downtown, it was determined by the Partnership, in conjunction with its lender, to delay construction until such time as either the market improved or the Partnership is able to secure a major tenant for the office component; and because of the downturn in the real estate market and events beyond the Partnership's control, it appears unlikely that it will be able to begin the project on or before March 9, 1993."

By a certificate of service that was attached to the March 6, 1992 letter, the applicant indicated that all of the parties in the case were duly notified of the requested extension.

The District of Columbia Office of Planning (OP), by memorandum dated April 23, 1992, recommended that the validity of the PUD be extended for two years, stating that the generalized land use of the area has remained unchanged since the decision of the case and the issuance of Z.C.Order Nos. 638 and 638-A.

ANC-2B and the other parties in the case did not comment on the applicant's request to extend the validity of the PUD.

On May 11, 1992 at its regular monthly meeting, the Zoning Commission considered the applicant's request and the OP recommendations. Pursuant to 11 DCMR 2406.10, the Commission believes that the applicant has shown good cause for the extension of time without further public hearing.

The Commission concurs with the applicant and the OP, and believes that a two-year extension of the validity of the PUD is appropriate.

The Commission further believes that an extension of time, as requested by the applicant, is not unreasonable, that the rationale for granting approval for the PUD has not changed, and that no adverse consequences will result from approving the request.

The Commission determined that an extension of time, as requested by the applicant, is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.


Z.C. ORDER NO. 638-B
CASE NO. 88-32C
PAGE NO. 3

It is therefore ordered that the validity of Zoning Commission Order Nos. 638 and 638-A be **EXTENDED** for a period of two years; that is, until March 9, 1994. Prior to the expiration of the time, the applicant shall file an application for a building permit, as specified in 11 DCMR 2406.8. Construction shall start not later than March 9, 1995.


Vote of the Zoning Commission taken at the monthly meeting on May 11, 1992, 4-0: (Maybelle Taylor Bennett, John G. Parsons, William L. Ensign, and Tersh Boasberg, to extend for two years - Lloyd D. Smith not present, not voting).

This order was adopted by the Zoning Commission at its regular monthly meeting on June 8, 1992 by a vote of 4-0: (William L. Ensign, John G. Parsons, Tersh Boasberg, and Lloyd D. Smith, to adopt - Maybelle Taylor Bennett, not present, not voting).

In accordance with the provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on July 20 1992.



TERSH BOASBERG
Chairman
Zoning Commission



MADELIENE H. ROBINSON
Acting Director
Office of Zoning

zco638b/LJP